

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 16, 2008. Claims 1, 2, 4 to 8 and 10 to 15 are pending in the application, of which Claims 1, 7 and 13 are independent. Reconsideration and further examination are respectfully requested.

The drawings were objected to for various informalities. Without conceding the correctness of the objections, Applicant has amended the claims to clarify that the images being generated are being displayed. Accordingly, Applicant respectfully request reconsideration and withdrawal of these objections.

Claims 1, 2, 4 to 8 and 10 to 15 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Examiner contends that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner objects to the term “drawing” and “drawn” as introduced in the last Amendment. Without conceding the correctness of the rejection, Applicant has amended the claims to clarify that the images being generated are displayed. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Claim 5 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it was alleged that the term “said display control step” lacked antecedent basis. Without conceding the correctness of the rejection, Applicant has amended Claim 5 to clarify that the first, second and third displaying steps are executed in

accordance with a selection. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Turning to specific claim language, amended independent Claim 1 is directed to an image processing method which is used to confirm a layout of an image which is to be formed onto a first recording medium on the basis of an application, the first recording medium being of a disk shape and set in a dedicated tray of a printer. The method includes a forming step of forming the image based on the application; a first displaying step of displaying an outer circumference of the first recording medium; a second displaying step of displaying outer and inner boundaries, defining a label area therebetween inside the displayed outer circumference; and a third displaying step of displaying the image so that a portion of the formed image corresponding to the label area and a portion of the image corresponding to an area which would overflow the label area can be discriminated. The label area is suitable for printing on the first recording medium.

Applicant submits that the foregoing amendments to the claims are fully supported by the detailed description of the present application. Specifically, the claims have been amended to clarify that the image processing method comprises forming an image based on an application, displaying an outer circumference of the first recording medium (see Fig. 13, 1301, Fig. 15, S1502, S1503), displaying outer and inner boundaries (see Fig. 13, 1302, 1303), defining a label area therebetween inside the outer circumference (see Fig. 15, S1504, S1505) and displaying the image so that a portion of the formed image corresponding to the label area and a portion of the image corresponding to an area which would overflow the label area can be discriminated (see Fig. 13), wherein the label area is suitable for printing on the first recording medium.

Claims 1, 2, 7, 8 and 13 were rejected under 35 U.S.C. § 103(a) over U.S. Published Appln. No. 2005/0281182 (Honda) in view of U.S. Published Appln. No. 2004/0141791 (Obara). Applicant respectfully traverses the rejection on the following grounds.

In making the rejection, it was admitted in the Office Action that Honda fails to disclose a “recording medium ... set in a dedicated tray of a printer” as featured in the claims. Instead, the Office Action relies on Obara as disclosing such a feature. However, Applicants submit that Obara is not available as a prior art reference.

The present application claims the priority of Japanese Patent Application No. 2002-251713 under 35 U.S.C. § 119 that has a filing date of August 29, 2002. Obara claims the priority of PCT/JP01/04620 filed May 31, 2001. PCT/JP01/04620 filed in Japanese and was published as WO02098668 on December 12, 2002. Therefore, the earliest effective date of Obara is December 12, 2002 which is after the priority date of the present application, which is August 29, 2002. Therefore, Applicant respectfully submits that Obara should be removed as a reference.

Applicant will submit an English language translation of Japanese Patent Application No. 2002-251713 under separate letter. Once the English language translation is submitted, and in accordance with MPEP § 201.15, the Examiner is requested to confirm that Applicant is entitled to their August 29, 2002 priority date. Once the Examiner makes such a determination, the Examiner is respectfully requested to remove Obara, as a reference against the subject application. Obara having been so removed as a reference, the foregoing rejection under 35 U.S.C. § 103(a) is believed to be obviated.

CONCLUSION

No claim fees are believed due; however, should it be determined that additional claim fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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